

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**UNITED STATES OF AMERICA, the STATE
OF NORTH CAROLINA and the STATE OF
TENNESSEE, *ex. rel.* ALANA SULLIVAN AND
J. BRITTON TABOR,**

Relators,

vs.

**MURPHY MEDICAL CENTER, INC. d/b/a
ERLANGER WESTERN CAROLINA
HOSPITAL and CHATTANOOGA-
HAMILTON COUNTY HOSPITAL
AUTHORITY d/b/a ERLANGER HEALTH
SYSTEM, d/b/a ERLANGER MEDICAL
CENTER;**

Defendants.

Case No. 1:21-cv-00219-MR-WCM

**PLAINTIFFS-RELATORS' NOTICE OF INTENT TO PROCEED
WITH NON-INTERVENED CLAIMS**

— NOW COME Plaintiffs-Relators, pursuant to the Court's May 8, 2024 Order directing Plaintiffs-Relators to state whether they intend to proceed with non-intervened claims in this action, and informs the Court as follows:

1. Plaintiffs-Relators intend to proceed with the non-intervened claims in this action against the named Defendants alleging violations of the False Claims Act arising from and in connection with Defendants' violations of the Anti-Kickback Statute and the Stark Law as to unlawful referrals from physicians that were non-employees of Defendants.

Plaintiffs-Relators will not proceed with the non-intervened claims relating to unread tests as pled in ¶¶ 202-203 of the Complaint.

2. Plaintiffs-Relators intend to dismiss, without prejudice, the claims against the named Defendants that relate to false claims submitted to the Medicaid programs of the State of North Carolina and the State of Tennessee (i.e., Count Four and Count Five of the Complaint). The State of North Carolina and the State of Tennessee have informed Plaintiffs-Relators that they consent to said dismissals without prejudice.
3. Plaintiffs-Relators will file the aforesated dismissals upon receipt of an email from the State of North Carolina and the State of Tennessee that the states consent to said dismissals without prejudice.
4. Plaintiffs-Relators will obtain Summonses from the Clerk of Court and will serve said Summonses and a copy of the Complaint upon the named Defendants, or request a waiver of service of the summons, in accordance with Rule 4 of the Federal Rules of Civil Procedure.
5. Plaintiffs-Relators assert that the intervened claims and the non-intervened claims should be litigated in the same action and that there is no reason in law or equity, or otherwise, for the claims to be tried separately or to be bifurcated pursuant to Rule 42(b) of the Federal Rules of Civil Procedure.

[Signatures on next page]

This the 31st day of May, 2024.

Respectfully Submitted,

RABON LAW FIRM, PLLC

/s/ Charles H. Rabon, Jr.

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CERTIFICATE OF SERVICE

This is to certify that on this date I served a copy of the foregoing **PLAINTIFFS-RELATORS' NOTICE OF INTENT TO PROCEED WITH NON-INTERVENED CLAIMS** which was electronically filed with the Clerk of Court using the CM/ECF system which will send which will send e-mail notification to all counsel of record.

This the 31st day of May, 2024.

/s/ Charles H. Rabon, Jr._____

Charles H. Rabon, Jr.